

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
UNITED STATES OF AMERICA	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No: _____
	)	
STEPHEN M. POLISKEY d/b/a CAPE	)	
ANN COPPER CO., INC. and CAPE	)	
ANN COPPER CO., INC.	)	
Defendant.	)	
_____	)	

**COMPLAINT**

**JURISDICTION**

1. Jurisdiction of this action is conferred on the Court by 28 U.S.C. §1345.

**PARTIES**

2. Plaintiff is the United States of America, acting through the U.S. Department of the Treasury's Bureau of the Fiscal Service (hereinafter "Treasury"). The debt was referred to Treasury in accordance with the Debt Collection Improvement Act of 1996 ("DCIA")(31 U.S.C. §3701 *et seq.*).
3. Defendant, Stephen M. Poliskey ("Poliskey") is an individual doing business as Cape Ann Cooper Co, Inc. having a principal place of business at 26 Emerson Avenue, Gloucester, MA 01930.
4. Defendant, Cape Ann Cooper Co, Inc. ("Cape Ann"), is a Massachusetts corporation having a principal place of business at 68 Maplewood Avenue, Gloucester, MA 01930. Cape Ann was dissolved by the Secretary of the Commonwealth on or about June 28, 2019 and reinstated on or about October 12, 2022.

**First Cause of Action- Claim No. TRFM14003860**

5. The Plaintiff repeats, realleges and incorporates Paragraphs 1-4 of this Complaint as if the same were set forth fully herein.
6. On or about October 22, 2020, the U.S. Department of Labor- Occupational Safety and Health Administration's (hereinafter "OSHA") Andover, MA office conducted an inspection of the Defendants' job site located at 168 Ocean Boulevard, Rye, NH 03870.
7. On or about March 3, 2021, OSHA issued a four-item serious citation, and a notification of penalty (citation) to the Defendants. A copy of the citation is attached hereto as **Exhibit A** and incorporated herein by this reference. The total proposed penalty was \$16,384.00.
8. The Defendants did not file a timely notice of contest, nor did the Defendants make a timely penalty payment.
9. As of June 23, 2025, the Defendants are indebted to the United States in the amount of \$28,473.71 calculated as follows:

Principal:	\$16,384.00
Interest (at 1.00%)	\$693.55
Penalty (at 6.00%)	\$3,826.31
OSHA Admin:	\$20.00
Treasury Admin:	\$6,695.64
DOJ Admin:	\$854.21
Total:	\$28,473.71

This amount is reflected in the Certificate of Indebtedness attached hereto as **Exhibit B** and incorporated herein by this reference.

**Second Cause of Action - Claim No. TRFM13900347**

10. The Plaintiff repeats, realleges and incorporates Paragraphs 1-9 of this Complaint as if the same were set forth fully herein.
11. On or about August 12, 2020, the U.S. Department of Labor- Occupational Safety and Health Administration's (hereinafter "OSHA") Concord, NH office conducted an inspection of the Cape Ann's job site located at 68 Maple Avenue, Gloucester, MA 01930.
12. On or about October 13, 2020, OSHA issued a two-item serious citation, and a one-item repeat citation and a notification of penalty (citation). A copy of the citation is attached hereto as **Exhibit C** and incorporated herein by this reference. The total proposed penalty was \$15,904.00.
13. Cape Ann received the citation on October 13, 2020, but did not file a timely notice of contest nor did Cape Ann make a timely penalty payment.
14. As of June 23, 2025, Cape Ann is indebted to the United States in the amount of \$28,487.58 for Claim no. TRFM13900347 calculated as follows:

Principal:	\$15,904.00
Interest (at 1.00%)	\$727.08
Penalty (at 6.00%)	\$4,282.97
OSHA Admin:	\$20.00
Treasury Admin:	\$6,698.90
DOJ Admin:	\$854.63
Total:	\$28,487.58

This amount is reflected in the Certificate of Indebtedness attached hereto as **Exhibit D** and incorporated herein by this reference.

**Third Cause of Action - Claim No. TRFM13769272**

15. The Plaintiff repeats, realleges and incorporates Paragraphs 1-14 of this Complaint as if the same were set forth fully herein.
16. On or about March 6, 2020, the U.S. Department of Labor- Occupational Safety and Health Administration's (hereinafter "OSHA") Andover, MA office conducted an inspection of Cape Ann's job site located at 298 Main Street, Gloucester, MA 01903.
17. On or about April 22, 2020, OSHA issued a one-item repeat citation and a notification of penalty (citation). A copy of the citation is attached as **Exhibit E** and incorporated herein by this reference. The total proposed penalty was \$8,096.00.
18. Cape Ann received the citation on May 5, 2021, but did not file a timely notice of contest nor did Cape Ann make a timely penalty payment.
19. As of June 23, 2025, Cape Ann is indebted to the United States in the amount of \$15,384.79 for Claim no. TRFM13769272 calculated as follows:

Principal:	\$8,096.00
Interest (at 2.00%)	\$807.49
Penalty (at 6.00%)	\$2,382.00
OSHA Admin:	\$20.00
Treasury Admin:	\$3,617.76
DOJ Admin:	\$461.54
Total:	\$15,384.79

This amount is reflected in the Certificate of Indebtedness attached hereto as **Exhibit D** and incorporated herein by this reference.

**Fourth Cause of Action - Claim No. TRFM15489579**

20. The Plaintiff repeats, realleges and incorporates Paragraphs 1-19 of this Complaint as if the same were set forth fully herein.
21. On or about April 11, 2022, the U.S. Department of Labor- Occupational Safety and Health Administration's (hereinafter "OSHA") Concord, NH office conducted an inspection of Cape Ann's job site located at 7 Ocean Street, Nahant, MA 01908.
22. On or about May 16, 2022, OSHA issued a two - item serious citation, and a notification of penalty (citation). A copy of the citation is attached hereto as **Exhibit F** and incorporated herein by this reference. The total proposed penalty was \$6,838.00.
23. Cape Ann did not file a timely notice of contest, nor did Cape Ann make a timely penalty payment.
24. As of June 23, 2025, Cape Ann is indebted to the United States in the amount of \$11,085.05 for Claim no. TRFM15489579 calculated as follows:

Principal:	\$6,838.00
Interest (at 1.00%)	\$206.76
Penalty (at 6.00%)	\$1,206.39
OSHA Admin:	\$20.00
Treasury Admin:	\$2,481.35
DOJ Admin:	\$332.55
Total:	\$11,085.05

As set forth in the Certificate of Indebtedness attached hereto as **Exhibit D** and incorporated herein by this reference.

25. The Defendants have failed to pay the aforesaid sums although demand has been duly made.

WHEREFORE the United States demands the following relief:

- A. Judgment against the Defendants, jointly and severally, on the First Cause of Action in the amount of \$28,473.71 plus interest at 1% from June 23, 2025;
- B. Judgment against the Defendant, Cape Ann, on the Second, Third and Fourth Causes of Action in the amount of \$54,957.42 plus interest at 1% from June 23, 2025; and
- C. for such other and further relief as this Court deems fair and reasonable.

Dated: June 25, 2025

The United States of America  
By its attorneys<sup>1</sup>:

/s/ John O. Postl  
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<sup>1</sup> Schuerger Law Group is under contract to the United States Department of Justice under the Department's private counsel program for collection of certain accounts.